MEETING MINUTES – Meeting # 1
Biosolids Rule Revision Advisory Group (BRAGG)
July 7, 2006

WELCOME/PARTICIPANT INTRODUCTIONS

- Daniel K. Thompson (Daniel K.) welcomed the group and thanked everyone for their participation.
- Advisory Group participants introduced themselves. All members were present except Kyle Dorsey.
- Marietta Sharp (Marietta) from Ecology's Northwest Regional Office was present as an observer.

DESCRIPTION OF OVERALL GOALS

- Daniel K. described the overall goals of the rule revision. The rule amendment would address the following:
  - Streamline the permitting process requirements
  - Better address septage management requirements
  - Develop a more thorough and equitable fee structure
  - Address "general housekeeping" issues such as providing clarifications, making formatting changes, and ensuring that the rule is consistent with the new Biosolids general permit and previous interpretations and policy decisions.

ROLE OF BRAGG

- Daniel K. went over the following points in describing the role of the BRRAG:
  - The BRRAG is an advisory group, not a consensus group.
  - We won't agree on everything, but we will work together to gain an understanding of the issues and how best to address them.
  - The group is intended to be representative of stakeholders across the state.
  - Each member's input is highly regarded.
  - All viewpoints will be valued equally, and participants are encouraged to express those viewpoints.
  - Group members will have the opportunity to view and comment on draft rule revisions prior to it going out for formal public review.
  - The draft of the revised rule that eventually goes out for public review will not contain any surprises to the group because we'll have already addressed them either during a meeting or in comments made on documents and draft revised rule language.

OVERVIEW OF THE RULE MAKING PROCESS

- Kathi Scanlan (Kathi) presented a PowerPoint on rule making at Ecology. The presentation is available on the Biosolids Rule Development website.
- Kathi also presented the rule making timeline associated with the biosolids rule and highlighted rule development milestones, including when the draft rule

language would be available for review by the group and the public comment period associated with the CR102.

- Doug Miller (Doug) had a question on what is considered a small business? Kathi/Daniel answered that the Ecology economist will make the determination if the SBEIS will apply to a given business. *By definition (RCW 19.85.020) a "Small business" means any business entity including a sole proprietorship, corporation, partnership or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.*

ISSUES FOR THE BRRAG TO CONSIDER & ADDRESS

- Daniel K. explained that Issues 1 – 18 are categorized under the two topics: **CLARIFICATIONS/POLICY** and **SEPTAGE MANAGEMENT**. These are the issues that will be addressed by the BRAGG in Meeting # 1. If time runs short Daniel K. encouraged participants to submit comments/questions/suggestions to him after the meeting (via email) if time does not permit us to continue discussion with a particular topic or issue.

CLARIFICATIONS/POLICY (Issues 1 – 13)

1. Impose any additional requirements contained in the General Permit for Biosolids Management (GP) that are not in the current rule. A briefing on this will be provided during the meeting. See Significant Differences Between chapter 173-308 WAC & the General Permit.

- Daniel K. summarized the Significant Differences Between chapter 173-308 WAC & the General Permit paper for the group and provided the clarification that items 2 and 7 are the same thing (but written differently) in the paper.
- Shelly Eisenbarth (Shelly) asked if all septage facilities will be required to get a permit? Daniel responded: yes, under the current proposal.
- Dick Hetherington (Dick) asked if Ecology will put things in the permit that are not in the rule? Daniel K. responded: yes, the rule revision is an opportunity to clean things up by imposing some of the additional requirements in the current general permit that are not in the current rule. The rule will continue to allow Ecology to impose additional and more stringent conditions beyond the rule when issuing future general permits and when issuing final coverage under the general permit.

2. Clarify our position that the rule applies to all treatment works treating domestic sewage (TWTDS), including any person, site or facility that has been designated as a TWTDS in accordance with the rule.

- Daniel K. noted that currently the rule states that the permitting requirement applies to all TWTDS, but the applicability section doesn't state this. This has led to some disagreements with permittees. The issue was brought to the BRRAG to see if there's any misunderstanding.

- Tony Barrett (Tony) asked if items 2 and 3 are related? Daniel K. responded: yes, they are related, but distinct issues.
- Tony suggested Ecology clarify in the applicability statement that treatment works is included in applicability.
- Tony asked if the potential fix will list lagoons? Daniel K. responded that the rule already includes lagoons (as per definition in the rule) as TWTDS, but adding a line in the applicability section explicitly listing lagoons might make this even clearer to such facilities.
- Larry Short (Larry) asked if I add lime in the winter does TWTDS apply? Daniel K. answered that was a good question to discuss and define later this afternoon. In addition, Daniel K. stated that his view was that this activity was treatment which would mean that the facility doing this would automatically be a TWTDS; however, this issue has not been completely resolved even within Ecology.
- Roger Hickey (Roger) asked if privately owned small facilities would fall within that definition? Daniel K. answered yes, if they handled domestic sewage or if there was another reason to define them as a TWTDS.
- Daniel C. Thompson (Daniel C.) wanted clarification on whether or not federal facilities are encompassed. Daniel K. responded that federal facilities are subject to the state program and that 40 CFR Part 501 actually requires that state programs include federal facilities if they wish to be authorized by EPA. Ecology is anticipating adding a distinct line to the applicability section for federal facilities in this rule revision to further clarify the issue.
- Tony asked if federal facilities are covered under the general permit? Daniel K. responded: yes, they will need to be.
- Dick asked if it is the state choice to govern federal facilities? Daniel K. answered that WA has chosen to do so.
- Doug wanted clarification that we are *not* discussing dairy wastes. Daniel K. said that was correct, we are not discussing dairy wastes.
- David Bosch (David) asked what is the latest on the state biosolids program being delegated? Daniel K. answered that the decision was made 2-3 years ago that the state would not pursue delegation due to a lack of funds. Ecology has made several requests to EPA for funds. The intention is to seek delegation but it has not been a priority; it is a staffing issue and there is a lot of attorney time involved. There is a benefit (of delegation) to the regulated community in that they wouldn't have to report to two different entities. Daniel K. explained that when the previous coordinator was here, Kyle Dorsey, he had two different jobs as manager and statewide biosolids coordinator. Daniel K. may have more time to seek delegation but admitted it's going to be a while before we (Ecology) started on that.

3. Clarify our position that if a lagoon is part of the wastewater treatment system, then the National Pollutant Discharge Elimination System (NPDES) permit or State Waste Discharge permit (SWDP) or other water pollution control permit is applicable. However, if a lagoon is not part of the wastewater treatment process, then the solids in the lagoon are considered to be stored and are subject to the biosolids rule, including a 2-year storage

limit and the standards for surface impoundments. The 2-year storage limit can be extended upon department approval.

- Daniel K. noted that there is a link between the WQP and the SWFAP regarding this issue. The two programs have not necessarily communicated as well as possible in the past, but the programs are working together much better now. In addition, there is a need within Ecology to clarify the jurisdiction of the biosolids program relative to the WQP's jurisdiction in approving storage lagoons.
- Jim Leier (Jim) asked about how well the biosolids rule matches up with Ecology's groundwater quality standards now that we have in 173-200 for all the lagoons that store wastewater. Not all have permits but potentially all will.
- Daniel K. commented that ideally we don't double regulate—Ecology wants one permit that captures it.
- Tony wanted to make a clarification on "lagoon types" in the rule: 1) one that is encompassed by and operated by the WWT facilities 2) a lagoon operated on a private property.
- Doug asked if this an existing facility or new facility? Ecology should clarify in the rule.
- Doug asked what if somebody builds a lagoon to store 5/6 yrs. worth of biosolids? How would you deal with that? Daniel K. responded that technically that is the storage of biosolids subject to a 2 yr. limit unless you have approval beyond that. Daniel K. relayed that the bigger issue is how we coordinate with a permit already there. Ecology's biosolids program has to be involved in determining when and how rapidly they need to be removed.
- Doug asked if there going to be a clarification for surface impoundments/lagoons. He indicated that we need to (as a group) to determine where we sit on that issue: Ecology-WQ or Ecology-SW.
- Tony commented that Ecology has not required two permitting mechanisms. If it was only biosolids, Ecology has decided that WQ standards are being met via the biosolids permit—doing it once and reporting to one entity—I think it's working. I don't know if it is specifically clarified, but we need to make it clear in the rule that it is authorized (so we can avoid duplicate permits). Daniel K. said that's essentially what we want to do with this rule amendment. Tony added that there's language in 350 that we can borrow from.
- Jim asked if there is a minimum percent solids for a material to be classified as biosolids? Daniel K. responded: no, even at the smallest concentration (e.g. 0.001%) the material can be biosolids. The key question is: Has it been removed from the wastewater treatment stream?
- Dick added once it's left the sewage processing tanks it becomes subject to 503.
- Tony asked do federal regulations allow for deferral to NPDES permit? Dick added that EPA has no business in non-delegated state permits. EPA does not defer to any state permits or approvals.
- Tony said that with treatment vs. disposal in lagoons, we are not going to go over 2 years and that it's hard to show reduction. It sounds like under federal regulation they would still need a permit under 503? Dick said, yes, regardless of the state permits.

- Tony wanted clarification: EPA is not writing permits on tribal lands, right? Dick responded that we (EPA) are requiring permit applications on tribal lands.
- Dick added that (Daniel/ECY) can't give me a list of all application sites in the state, right? Daniel K. said that we (Ecology) have the information, but it is not specifically listed out in a database; it is not readily accessible.
- Tony asked if a municipality is going to put WW in a lagoon (in a facility WWTP) are we saying the lagoon is required to get a permit? Does the federal regulation allow Ecology to defer coverage to another permit? Dick answered yes, the rule that applies is the 503 standards and EPA permits. It allows the non-delegated states to do whatever they want.
- Daniel C. asked what standards does Ecology impose—just because it's sewage sludge or biosolids or can we defer to WQ standards? Daniel K. responded now they are not very different, however, in the past SW standards were commonly more strict than WQ standards for the design of lagoons.
- Jim commented that the technical design of the lagoon is up for discussion every time one is proposed.
- Daniel K. responded that in most cases what Ecology's WQ program requires will be similar to those that the SW program would require, but there has to be a limitation of 2 yrs unless a greater length of time is acceptable to the regional biosolids coordinator—such proposals will need to address solids removal and management.
- Doug wanted clarification: you're not talking about a process material that is dry? What defines the material in the lagoon is the (stabilized, semi-dry, left-over) process; all these other things you read it as semi-liquid material. Daniel K. responded: what we're talking about is material "stored" in a lagoon (surface impoundment)—typically that's a liquid material, but that's not essential; the key is removal from WWT process.
- Tony commented that odor control is a significant issue for long-term storage of biosolids. Tony would like the rule to more specifically address odor control; he indicated that we/health dept.'s include it in permits. It would be helpful to include it here.
- Doug asked for clarification, so you are saying the state should be responsible? Tony responded that the requirement should be addressed in the rule and not wait until there is some specific land application plan—it stinks long before you land apply it. Daniel K. responded that odor could be addressed during the permit application review period by Ecology and/or a delegated health department.
- Roberta King (Roberta) wanted clarification of lagoons at a treatment facility vs. an individual operating on agricultural land. She asked, are treatment facilities covered under operating permit? It wasn't in the biosolids mgt. scenario.
- Dick responded that we/EPA consider odor by refusing disposal plans – under 503 the facility must demonstrate proper treatment. We can declare it a disposal site, and odors would be a perfect reason to do so.
- Doug asked what's an unreasonable odor? I don't have technical expertise. Lagoons I'm dealing w/ have a mixture that have gone through volatile reduction mixed with SW materials, ex. biosolids waste operating without aeration—there may be a problem.

- Dick commented when EPA was looking at land-spreading biosolids and looking at what will attract vectors, there was clearly a link to odors. Linking vectors to odors and managing accordingly can manage disease.
- Kathleen Deason (Kathleen) indicated odors should be addressed in this rule, as residential development is increasing near agricultural lands and also as producers are promoting ag tourism to diversify farm income.
- Michael Coster (Michael) said that we don't have to demonstrate a public health issue (nuisance odors alone are sufficient to cause problems).
- Tony said that it is exempt from clean air unless there is a public health issue, it is difficult to prove odor is a public health issue. You can regulate it if an entity is not operating in an acceptable manner.
- Roberta commented it seems like it is in Section 280. It's (contamination of air) in there for storage of biosolids. It seems like you could handle it in the permit. Daniel K. responded that we haven't used that (280) as rational for odors but that Ecology could potentially use this language to address odors. Only one permit so far has been written w/ odor conditions. To-date, we've left it up to local health depts. or potentially the Air Quality jurisdictions to address odor complaints.
- Daniel K. wanted to provide clarification as he understood it: Tony has concern about addressing odors for lagoons and Kathleen is concerned about odors particularly for field storage and land application operations. Both Tony and Kathleen confirmed that this was accurate
- Arlie Huffman (Arlie) stated we need to go back to the source of odors. If we have 14 facilities that do not have odors, but 1 that does have odor problems, where do we stop with odor monitoring? We can have odors AND meet vector standards. Where do we start or when do we start?
- Dick added that there are some situations where some federal standards won't work for odors.
- Shelly said that there are different odors scenarios in land applications for septage management, ex. State Parks vs. Residential. Type of waste land applied needs to be addressed for odor issues. We've have complaints from one person and we/Ecology have addressed these through wind and time application management practices (not through standards for odors).
- Larry added I don't have that much problem if I comply with 503. If 25% class 2, I pump old toilets, then incorporate or treat it, then it doesn't smell.

4. Explicitly address the applicability of the rule/permitting requirements on facilities located on tribal land, facilities in other states, and facilities in other countries.

- Daniel K. commented that we need to be consistent in one way or another: 1) require permit 2) or defer to a separate state/federal/local permit. Currently we approach tribal facilities differently than those from other states/countries. It is the cleanest/clearest way in my opinion to require a permit and fee equivalent to WA facilities. I met with the tribal liaison at Ecology, and he relayed that we/Ecology can require a permit and that we should; however, we can do it through policy rather than rule. I sent a letter out to all tribes in WA to engage in some gov't to

gov't relations and/or to request participation on the BRRAG. There is at least one tribe that is seeking a permit in NWRO and they did so because they are bringing sewage sludge into the state and there was a spill. This tribe has voluntarily come into the program.

- Daniel K. stated that examples of out-of-state facilities bringing solids into WA are a few in NW Idaho facilities transferring solids for further treatment to WWTPs in the eastern part of the state.
- Tony asked if are Ecology is distinguishing between 1) sludge from reservations brought off reservation and 2) activities on tribal land. Daniel K. responded: yes, once it crosses that boundary we get involved; until then, we have no jurisdiction. Previously Ecology has told tribal facilities exporting to the state jurisdiction that they would need to pay a fee but no permit will be required if the material went to a facility that is permitted by the state.
- Roberta asked for a clarification: EQ would be exempt? Daniel K. responded that small quantity would be exempt, others wouldn't.
- Daniel C. and Tony both had questions and wanted clarification: are you going to distinguish bagged vs. bulk?
- Daniel C. said it's not so much that the permit is cumbersome it's that they have to pay a fee if it comes to WA.
- Tony said we couldn't impose the same fee structure; you'd have to have some tonnage fee.
- Daniel K. agreed that it should be based on the amt. that actually comes into the state.
- Kathleen said that under the 1998 watershed management act the Department of Ecology provided funding to initiate a watershed process in the Foster and Moses Coulee Watersheds. Part of our watershed is located on the Colville Confederated Reservation. .hey subsequently withdrew (working with the state) and preferred to work on a federal to federal government level. Would it work better to communication federal to tribal vs. state/ECY to tribal?
- Daniel K. asked Dick if EPA would prefer to send out the letter since Ecology received no response from the tribes?
- Dick said that I'll work with you on that to see if we could do that.
- Roger commented on material from tribal lands to beneficial use facility that is permitted to the state: one way to collect fees is to charge to the "Receiver." You wouldn't have to issue approval to the tribes or charge the fee directly to them.
- Daniel K. responded that we kind of do that now; the potential problem is how do we ensure quality?
- Roger commented as a beneficial use facility, we have to ensure standards.
- Daniel K. commented: it is being covered in that regard then, and there is already a rule requirement for an "exchange of information" to ensure compliance with the rule requirements when material is transferred. Thus, in many respects the "quality" concerns are being addressed. However, Ecology is not currently receiving the quality information, therefore there is some disconnect.
- Arlie said in the central region, before we accept biosolids, we as a rule take info on biosolids and provide it to Dept. of Ecology and local health depts. If it meets criteria, and Ecology approves, we take it.

- Tony said essentially the burden is in the receiver/permit requirement from most WWT facilities. The burden falls on the receiver to ensure compliance for material from tribal lands.
- Daniel C. asked about an out-of-state entity?
- Daniel K. said we/Ecology could issue the permit.
- Daniel C. relayed for Portland it makes no sense to charge a fee based on the full residential equivalent values when (for example) 1/10 of production may be coming into WA.
- Daniel K. responded if an out-of-state facility is proposing to transfer material to another already permitted facility, we could work it out better and could charge by the amt that comes in. The equity issue is an important one: you fee payers are paying for a state program, is it fair for a facility in ID or OR to not pay a fee?
- Daniel C. suggested that they pay based on the tonnage they bring in.
- Roberta relayed there are incentives to do so (charge for amount brought in), to get more money for the state program.
- Arlie commented that any biosolids coming into Yakima County that is land applied or composted must pay a tipping fee.
- Daniel K. said as long as its going to a permitted facility and there is that exchange of information, we could probably work this out without out full process and full fee. But, if an out-of-state facility wants to manage their own land application program within the state, we'd have to require the full permit process and issue a permit or come to some agreement with EPA or other jurisdiction that their permit is adequate.
- Roger asked if you/Ecology will have an opportunity to regulate land application and beneficial reuse for tribal facilities? Daniel K. responded yes, if the material comes into WA.
- Daniel K. responded that what I'm hearing is that we should develop an approach to permitting out of state and tribal biosolids that allows for that material to come to a state permitted facility based on the amount that comes into that facility and that if they manage their own land-application site we need to permit the facility itself. We have jurisdiction here.
- Dick relayed that there are situations where what goes on the treatment plant is crucial. To be responsible, it seems that as a condition of permit, they must submit a signed agreement to the entity/state/tribe. To land apply they would have to agree that the state has a valid interest in that facility.
- Daniel C. said they could get a permit as a "biosolids beneficial use facility" (BUF) to manage their own biosolids, then Ecology could simply rely on that BUF to ensure quality criteria and proper management are met; I'm looking for a mechanism.
- Daniel K. suggested that this may be possible, but Ecology would need to change the way we look at a beneficial use facility. Currently we view them as a facility that is actively seeking to manage biosolids from numerous facilities rather than a facility that handles solids from only one source.
- Roberta suggested we/Ecology allow as an end EQ; ECY has the option to impose additional requirements.

- Daniel C. suggested *that* permits issued to non-Washington facilities may look different from those issued to facilities located in Washington.
- Dick said they don't have to be part of general permit; they can have an individual permit. The cost of general permits can be higher.
- Daniel C. suggested this would not have to be onerous.
- Kathleen asked are there biosolids coming into state from tribal/etc.? Daniel K. said occasionally. A few facilities from the Yakima/Swinomish/Puyallup nations bring some in but not much.
- Dick recommends the tribes send biosolids to where it can be regulated.
- Michael indicated there is 4-5 tons annually from Idaho, which is minor. It is frowned upon by WQ people because of capacity issues.
- Arlie said that municipalities monitor; we pass these reports to health districts. Most contracts are 5 yrs.
- Arlie asked if a treatment plant in an incorporated municipality otherwise within tribal boundaries is it still under Ecology's jurisdiction? Daniel K. responded that if under fee simple land or otherwise deeded lands, we/Ecology in the past have said we don't have jurisdiction.

5. Clearly state our policy that we expect reports from all TWTDS on a form provided by Ecology.

- Daniel K. noted that this has been Ecology policy, but the rule does not explicitly require this. Ecology needs such information in order to know the status of biosolids management in the state and the quality of the material being managed.
- Tony recommended you say "form provided by or approved by Ecology" particularly if transmitted electronically. We enter information in terms of staff time it is important to have the same format.
- Michael suggested a standard format is more useful to have the same requirement for multiple facilities.
- Roberta said I like the idea of electronic forms.
- Daniel C. indicated monthly reports are not electronic yet.

6. Add language stating that an approved sampling plan will be required for anyone seeking to use Class A – Alternative 4. Alternatively delete this alternative entirely. See Class A – Alternative 4 Position Paper.

- Daniel K. noted that this alternative was placed in 503 to address abandoned piles of solids with unknown treatment processes. It was never intended to be applicable broadly in the absence of a known and demonstrated process or after the first few years of the program. Yet, some facilities in the state use this option on a regular basis, and many facilities consider using this option. One of the problems with this option is the validity of the analytical methods used to enumerate the organisms. Studies conducted by EPA have shown extreme levels of variability in results from the few labs in the country that can conduct the tests (only 2 in the west). Given that Class A/EQ products can be utilized practically anywhere in practically any manner, it's important that we be confident that

material that is so classified actually meets the standard. Ecology implemented a policy regarding this issue in 2005 that resulted in such proposals receiving far greater scrutiny than in the past. If the alternative remains, approved sampling plans will require a minimum of 3 sample results per organism, and many more may be required based on the volume of material and the proposed management alternative (e.g. if the material will be applied to remote agricultural land, less tests may be required than if it were given away to the public).

- Michael asked if it would be possible have your staff microbiologists come up with something to guide regional biosolids coordinators, and those proposing to utilize this option, that will mitigate the microbiologists' data validity concerns? Daniel K. said it's up to discretion of regional biosolids coordinators; they will use whatever means are available.
- Daniel C. suggested that it seems like they should have something uniform/statewide; there could be some guidelines.
- Daniel K. said EPA has guidelines. What is up for discussion is to a) impose the program policy requiring a pre-approved sampling plan and a minimum of 3 samples per required organism in order to use Class A-Alt 4, or b) delete.
- Roberta said I would vote to retain the option for Alt. 4. So we need help from EPA on getting better methods. I asked Dr. Ian Pepper (Univ. Arizona microbiologist and Pathogen Equivalency Committee member) about Alt. 4; he said no one ever finds helminth ova in biosolids.
- Daniel C. indicated you are not gaining a lot by eliminating Alt 4.
- Michael indicated that Spokane doesn't even attempt to use this technique
- Daniel K. said that the cost is approx. $1000 per sample. The cost gets up there pretty high as more samples are required, and this has already discouraged some smaller facilities from using the alternative.
- Tony asked what option do you use, Michael?
- Michael-Class B. We have decommissioned old lagoons, and attempted to look at Class A and use farmers field (Class A designation would have simplified application and site control issues) it was not accepted by Ecology. In the same way we have seen improvements in WQ technologies, the real way to support innovation and treatment is to allow testing. I assume they thought it (Alternative 4) was protective of human health. If a facility is on the cusp they might try to utilize this.
- Dick indicated the Class A exclusion when using Alt. 4 is for administrative stuff. It was only meant to be used in bulk and only on farm land or other remote land, and 503 allows for the reinstatement of management requirements if deemed necessary. He said there is Class A stuff that can be odorous.
- Roberta said the whole incentive to prove Class A goes out the window. It seems like it is an alternative that is a good stop-gap, where you are on your way to certifying a process to achieve class A.
- Daniel C. said that you are not going to see a lot of this. If Ecology feels there is something more to be done, focus on adequate testing.
- Tony asked how do you demonstrate equivalency? The difference is there is a review process for Class B Alt. 3, for example, but there isn't for Class A-Alt. 4.

- Daniel K. responded Class A-Alt. 6 and Class B-Alt. 3 are equivalency options which require a rigorous review of the process and data that must go through EPA's Pathogen Equivalency Committee. To use Class A-Alt. 4, you don't go through the committee process—rather all you have to do is test the final product.
- Roberta and Daniel C said all the other Class A alternatives seem like they would have the same problem as Alt. 4 in that these alternatives were certified based upon testing using the same methods as those used in Alt. 4. Thus, if Ecology is concerned about the methods used to show Class A under Alt. 4, it perhaps should be concerned about all the other Class A alternatives also. Perhaps we need help or assurance from EPA on microbiological methods.
- Tony commented in one there is a committee and a process in the other there isn't.
- Dick said there are a couple of parameters for Class A the committee reviews.

7. Change the standards for surface impoundments storing biosolids from those in WAC 173-304-430 to those in WAC 173-350-330.

- Daniel K. noted that this is a more strict standard. The standards were designed with biosolids in-mind.
- Tony would like consideration of existing facilities approved under 304, if there is a distinction between liner requirements. If 350 has different design standards then you are essentially saying this is not an approved lagoon. If approved under 304 and can demonstrate no environmental/human health problems, then should be approved (if it hasn't caused a problem). Should give people an opportunity to demonstrate performance.
- Daniel K. responded that period/timeline should be considered to come into compliance. We need to think about this more. There are allowances in 350 to allow testing to show that you are not violating WQ standards.
- Michael asked if unlined temporary winter storage (e.g., without free-liquids) for agricultural project would be considered a surface impoundment? Ex: 200-300 ft.
- Daniel K. responded that it's important to remember that we're talking about surface impoundments, not in-field storage of dewatered biosolids.
- David asked do you consider a digester a tank? We should clarify this in the rule.

8. Impose the program policy on permitting of storage tanks. See <u>Requirements for Storage Tanks</u> position paper.

- Daniel K. noted that Ecology does not want to permit temporary storage. The -350 tank standards were designed for biosolids stored in tanks, but meeting all of the requirements (e.g. engineering reports) could be cost prohibitive for small facilities. The policy allows deferral to other permits, and it provides great latitude for the regional biosolids coordinator in terms of any requirements while maintaining the "spirit" of the -350 standards.
- Michael gave the example if you had an older digester that you are going to use for storage, if any one of these is not met, it is going to require a permit?

- Daniel K. responded we had considered imposing 350 tank standards. There was no thought about digester and WWT facilities. Meeting those standards would be hard for small facilities. Under the current policy, since Ecology could defer to other permits, ex: WQ permit – it is highly unlikely a biosolids permit would address storage in a digester at a WWTP covered under a water pollution control permit.
- Daniel C. said the conflicting regulation would be difficult; it would make sense to tighten up what you mean by a digester and leave digesters to WQ. If we are still digesting it seems we have never left the WQ-realm
- Tony said if their digester is part of the WWT plant then it is part of WQ-front (part of NPDES permit). When off the plant to an approved disposal site then biosolids is involved now.
- Roberta said I think digesters are part of the biosolids process. Over the years since 308 was adopted the overlap in requirements between 308 and NPDES has been reduced.
- Dick relayed that as soon as it's out of the WW train then it's part of the biosolids program. We have been very careful to not call return-stream material "sludge".
- Michael has a big concern on spill containment. Example is a 2.8 million gallons digester, you're talking about substantial changes in design.
- Doug said the WQ permits state how we are supposed to operate digester, so I think I would have to agree with Daniel C., as long as digester is inside the WW facility (inside tank)
- Daniel K. suggested a way to deal with this is to say specifically that digesters are covered under WQ permits
- Daniel C. said someone could argue that a digester is storage.
- Doug said if under 2 yrs. then it removes the storage issue.
- Daniel K. suggested another approach is to say "store it under 2 yrs."
- Tony said if our concern is that the tank is going to leak or manage spill, why split hairs and worry about turf (WQ/biosolids)? You haven't changed what you are doing with the digester. What's the rational for changing? If we were to call it biosolids facilities, is there a difference what we are asking people to do? Why is there a difference?
- Daniel K. said we have to be consistent w/ federal biosolids program.
- Michael: Are the requirements the same/equivalent? Give me the reference for the way I have to do this.
- Shelly said our main issue was to address septage management facilities and how they store their facilities. Maybe make it more specific to septage management.
- Daniel K. said it was never our intention to include WWT facility, more to address it out on a farm. We don't want to address it at a WWT facility (if under NPDES).
- Roberta asked when a treatment plant is being built are there design standards for solid and liquid streams?
- Daniel C. said you have to have an Ecology approved facility.
- Jim noted that it says in [WAC-173-350] 350, that the tank standards do not apply to NPDES permitted facilities.

- Tony commented under the 3 conditions that require a permit, the permit will require…. He said it's a circular argument. Why do we do that? (Reference: paper attached)
- Daniel C. indicated that it is more prescriptive than that: if you can't ever have a tank meeting these conditions you can't ever have a tank or you have to move your tank.
- Larry said if you put a tank near groundwater then wait for the permit to force them to do the right thing. The permit is the loaded gun to force you to do the right thing
- Michael stated that Ecology needs to address the "temporary" question. Is 2 yrs. temporary?
- Daniel K. responded as long as it is covered under a permit we can define temporary.
- David suggested Ecology apply 350 standards to below-ground, not aboveground tanks.
- Michael said perhaps if this was in place then it might have prevented a leak that occurred at a septage hauler storage facility (Shelly familiar w/ incident referenced by Michael).
- Daniel K. said that it's clear we need to fine tune this language.

9. Change the required analytical methods to include updated methods and manual editions. Also amend the language to allow for the ongoing use of updated, EPA-approved methods or updated editions of existing manuals so that when a new method or manual edition is available, the rule does not need to be amended.

- Daniel K. noted that many labs are using updated editions and methods anyway, and they are required to do so by Ecology's Lab Accreditation Program. Given this, we've unwittingly created a non-compliance issue by mandating SM 18th Edition, for example.
- Michael: you want it by reference, which makes sense.

10. Impose the GP requirements that biosolids sold or given away in a bag or other container must meet EQ standards. This eliminates the need for WAC 173-308-160, Table 4 and WAC 173-308-900, Appendix A.

- Daniel K. noted that this was included in the general permit but was not specifically called-out for scrutiny during the public process. Thus, the BRRAG should weigh-in on the issue. It is the intent of the federal program to make this a requirement also. The approach would simply require that all biosolids sold or given away in a bag or other container meet the highest standards.
- Daniel C. said we do a lot of blending, if somebody was adding this might be a problem. Ex: dried product. A customer is growing some crop that has a high-zinc need and I add zinc and exceed table 3, you eliminate that option. If that's the intent. Just something to throw in there.

- Tony asked what does other container mean? I assume we mean homeowner quantities. Is that really a problem? What is the likelihood of exceeding annual pollutant loading? Is that applicable to what goes out in the bag?
- Daniel K. responded that the definition of "other container" includes materials <1 metric ton. The likelihood of a homeowner exceeding the Table 4 annual loading is pretty unlikely. Table 4 only applies if the pollutant levels exceed Table 3. The intent of the proposed change is to ensure that only the highest quality material goes out to the public where it's out of the control of Ecology and the producer. In addition, it is Ecology's understanding that the federal program is heading in the same direction.
- Daniel C. said there is a large commercial market for residential and commercial (to add it once).
- Roberta-Vancouver BC may have copper issues but don't think they will be moving into the bag market soon.

11. Clarify language on labels for biosolids sold or given away in a bag or other container regarding making claims about being a "fertilizer" "nutrient content" "promoting growth" etc.

- Daniel K. said you can't guarantee a "nutrient content" (unless it's registered as a fertilizer by WSDA), but you might be able to state that the material "promotes growth". In addition, you can't say that the material is a fertilizer, but you might be able to state that it has a "fertilizer value". Ecology needs to discuss the exact terms allowed with WSDA. The Biosolids Management Guidelines have a good example of label language.
- Daniel C. wanted a clarification/commitment from Department of Agriculture on this. In his experience what's allowed appears to depend upon who you speak to at WSDA.

12. Impose a requirement that all biosolids beneficially used must be screened or ground, or another Ecology approved method must be used to remove recognizables.

- Daniel K. noted that this has always been expected, but only the septage portion of the rule contains a "no-recognizables" condition.
- Daniel K. said that this came from a complaint/suggestion where a "winning bidder" was allowed to pick-up recognizables rather than screen or grind prior to application. It came down to the difference of the cost of screening.
- Michael asked if the screening is only part of biosolids process? What are Ecology approved methods? It could be a large expense to modify process streams based on biosolids screenings methods approved by Ecology. As long as recognizables are taken out it should not be an issue where in the process they're removed.
- Daniel K. said I would like to see everything screened because pick-up after application simply doesn't work, and grinding only results in littering a site with materials too small to recognize. However, the goal is to impose a clear

requirement that biosolids be free of recognizables when sold or given away and that land application sites be free of recognizables after biosolids application. How we get there is to-be-determined, but no one seems opposed to the goal.

- Roberta indicated food stickers go through the whole process. The language as-is reads that you must have screening/grinding.
- Daniel C. asked where do you do the screening and grinding? I am concerned about the impact on liquid stream processes.
- Daniel K. said if your product doesn't have recognizables, what we've suggested reads that you have to have an Ecology approved method and this wasn't the intent.
- Tony asked to clarify what do you/Ecology mean by recognizable?
- Daniel K. said Ecology's regional biosolids coordinators maintain the discretion to determine what is "recognizable". The goal is to "reasonably" remove recognizables recognizing that some things simply make it through the process (e.g. produce labels, which even make it through a thorough, high heat composting process). His experience has shown that a few operations have accepted biosolids with a high degree of recognizables, but these were probably digester cleanouts rather than the typically biosolids product. Daniel K. also noted that Ecology has a policy on digester cleanouts.
- Doug said I want to be more than 99% sure it is acceptable. In order to make the treatment process work, it came out of permit. Future works should include in the WQ section requirements for screening. If a biosolids GLAP or Site Specific plan is allowed by Ecology, the need for the material to be screened could be included. Specifically, the biosolids need to be screened to make this a presentable material and to get customer buy in.
- Roberta said I have a concern about the implementation timeframe for this, based on our experiences trying to upgrade screens or add grinders.
- Daniel C. said it is tough one to come up with a trash standard.
- Mike asked don't they have that in the compost industry? (Answer: yes.) We did "pick-up after application" for 10 yrs. and it wasn't a good practice. Mike said he will suggest language.
- Larry suggested requiring screening and hand pick-up if anything gets through. He noted that the feminine products go through his ½" screen.

13. Impose a requirement that only biosolids meeting one of the vector attraction reduction requirements in WAC 173-308-180 can be stored in a field; staging could still be allowed.

- Daniel K. noted that the purpose of VAR is to minimize the potential for transfer of pathogens via a vector. The question was asked: If material cannot be left on the surface after land application unless it's met one of the requirements, then why should long-term storage be allowed for material that hasn't met one of the standards?
- Michael asked what if it's during winter in eastern Washington; you bunker it there and there are no vectors? It's a thorny issue for Spokane. We are in the midst of digester upgrade and if we could not temporarily store Non-VAR

biosolids in bunkers at applications sites until it could be incorporated to attain VAR we would be required to ship vast quantities of biosolids via rail car or tractor trailer at incredible expense to a distant landfill. If there's no insects during winter, I don't think vectors will be a problem.

- Daniel K. responded birds and rats are potential vectors also, and their impacts should be considered. Daniel K also asked why should you be able to store non-VAR biosolids for extensive periods in the field, but if you apply it you have to either incorporate it within 6 hours or immediately inject in order to prevent exposure to potential vectors? Washington is one of the few states that allows extended storage in a field. Most states only allow staging.
- Doug said if you can't do it during the winter time then you have to build more digesters, etc. implementation of WQ and permitting needs. I see where you are going with these new requirements, but let people have opportunities other than what "the golden path is." There should be an allowance to accomplish the goal of using biosolids in a reasonable manner. One in which if the producer of the material wants to stray from the golden path, then they accept additional burdens of proof.

SEPTAGE MANAGEMENT

14. Impose a requirement for a permit for all facilities that treat or land apply septage (septage management facilities or SMFs).

- Daniel K. noted that the lack of a permit requirement had let to some disagreements with JHDs and was clearly expected by the public. Imposing such a requirement is a key recommendation from the Septage Management Strategic Plan of May 2003. This will require making language changes in a few sections of the current rule.
- Tony suggested the language you would take out is the exemption language (308-310). Add in language where permits are required. Daniel K. responded: yes.
- Daniel K. said septage is already biosolids and not solid waste. The health departments wanted the language currently in Section 310 to allow them the discretion to issue local permits in place of an Ecology-issued permit. However, there have been no locally-issued permits for septage for various reasons. The intent is to require an Ecology-issued permit for the land application and treatment of septage.
- Michael asked does the general permit suffice or will there be additional requirements for monitoring the septage haulers? Daniel K. said the current biosolids general permit has a separate septage section which addresses the requirements for the management of septage.
- Jim asked why shoehorn it [septage] in under the biosolids general permit? Why not a septage permit vs. a biosolids permit? Septage haulers do not meet biosolids definition of being "municipal". Why not create a separate septage permit? I have a hard time calling porta-potty wastewater "biosolids".
- Daniel K. stated that Ecology will consider writing a completely separate Septage General Permit in 2010 when the current general permit expires but probably

wouldn't embark on such an effort before then because the current permit and the option to require additional conditions beyond the general permit when issuing final coverage should suffice for now.

- Daniel K. also noted that septage is a class of biosolids and that the use of the term "biosolids" is provided in Section -070 of the rule that states this to be the case.
- Roberta said the biosolids definition in Section -080 includes septage also.
- Tony suggested we/Ecology close the loop. The health departments no longer needs to be worried about it, it needs to be covered under a permit. It will be a level playing field for those treating and land applying septage.

15. Redefine "domestic septage Class I" to clearly state that the material can include up to 25% Class II septage or 25% grease trap waste or 25% of a combination of both, but not more than 25% of either or a combination of both.

- Daniel K. noted that this was always the intention of the definition, but a strict reading could suggest that up to 25% GTW and 25% Class II could be mixed with 50% Class I.
- Shelly said I would like them to do something else with the grease trap waste (GTW).
- Daniel C. asked is that typically rendered?
- Daniel K. responded GTW is commonly picked-up by septic pumpers and mixed with septage prior to land application. Much of the cleaner GTW goes to rederers.
- Michael said rendering charges a higher fee vs. biosolids facilities, so the market pushes it back in the biosolids realm. We should limit the amount of grease waste - that's the point of this.
- Tony asked what happens if it's more than 25% grease trap waste?
- Daniel K. said it's solid waste then and falls under SW regulations (it could potentially be land applied).
- Roger asked what happens if that is mixed with biosolids (26% grease w/ biosolids).
- Tony said removing it from the waste stream impacts soil absorption. The whole load would have to be treated as biosolids. Has concerns if it's called solid waste. What is it? Class 3 septage or biosolids, I don't have a problem with that.
- Roger said we have been doing it for years. I wouldn't like to see language that if it exceeds 25% then it's a solid waste.
- Daniel K. said if a mixture exceeding 25% GTW were allowed to be handled under the biosolids rule, it would have to be managed as biosolids not septage. There is an argument that can be made that it is solid waste and subject to solid waste rules. If other materials are mixed with the typical biosolids, it's fairly clear that the mixture is also biosolids. However, if septage is mixed with something else, we need to think about whether its biosolids or not. The federal rule is clear on this: mix domestic septage with anything, and the resulting product is solid waste. We need to work on a definition of a mixture under the state rule. Daniel K. will explore this further and develop a definition.

- Larry asked if it's 26% grease and have to take it to a treatment facility (as solid waste?), then where do I take it? Something to think about.
- Doug asked why we would allow grease to go to a publicly owned facility (when we try to keep it out in the stream). I'm struggling with putting grease INTO a treatment plant.

16. Eliminate the possibility of land application of Class II septage if >25% by volume of a given load.

- Daniel K. notes that there are legitimate concerns about the compounds used for sanitizers/deodorizers and their potential impact on existing soil microorganisms. We have very little information on the sanitizer/deodorizer compounds and have been told by some producers that the information is "proprietary". One thing that does appear to be clear is that a key ingredient in many of the products is formaldehyde. An alternative to an actual ban on application would be to require that Class II septage at >25% per load be managed as biosolids if it's applied to the land. This would entail requirements that the material meet pathogen reduction, VAR, and pollutant standards, and require application using a more thorough agronomic rate assessment.
- Tony asked as a practical matter, the stuff that comes in trucks is staged before land applied, are there any sites where greater than 25% come from Class II?
- Larry said I always though you could if you lime it and check pH and plow it, at Class II greater than 25%. It wouldn't be a problem if we eliminate it. The problem is that most municipalities won't take it.
- Mike said that unless OK by Ecology, we have agreement w/ local municipality where we process it there. If there is a natural disaster then maybe there is a way to deal with it. The forest service is aware of this, but if volumes too big, we need an out.
- Shelly said during fire season/cherry picking season we need an out. I agree w/ Mike if we have something that would allow for approval.
- Michael C. said we would ask for analysis (e.g. formaldehyde, etc.). For a small treatment plant; there are loading issues even with conventional domestic septage.
- Daniel K. said we/Ecology will work on this one further.

17. Redefine "domestic septage Class III" to include the statement "and that has a sufficiently long residency time to be considered largely stabilized."

- Daniel K. noted that this change is necessary to provide greater consistency between the definitions of Class I and Class III septage, as the two are supposed to be identical except for the source.
- Doug said I know one facility with only a holding tank. How would it affect a holding tank for a business?
- Tony commented if you have a holding tank they don't want storage over 72 hrs. because it won't comply w/ DOH criteria. It has to be treated like domestic waste (no dry cleaner waste, etc)

- Doug commented there will be a void (food restaurants) – those that operate holding tanks.
- Daniel K. said that would kick it into Class 2 if it doesn't have sufficient residency time. Class 2 definition includes holding systems. If you are going to manage Class 1 it should meet the standards.

18. Provide an exemption from the SMF permitting, recordkeeping, and reporting requirements for composting toilets from a household the content of which is used on-site. In doing so, state that the department does not consider the material resulting from such devices to be "Class A" and that persons with such devices should consult DOH guidance for management of the system (specifically <u>Recommended Standards and Guidance For Water Conserving On-site Wastewater Treatment Systems</u>. May 15, 2000). Larger systems would still need to have their output removed and ultimately managed at a permitted operation or seek coverage under the GP.

- Daniel K. noted that previously Ecology, EPA Region 10, and DOH had agreed that the material from such a system is septage subject to -308 (and 503). However, at that time management of septage did not explicitly require a permit. If under the revised rule a permitting requirement is imposed for all SMFs, then this requirement would technically be imposed on homes that land apply the output from a composting toilet. The approach suggested would provide an exemption from the administrative portions of the rule for such homes.
- Kathleen asked if there is a provision to allow for composting toilets?
- Tony said there is a permit and that one of the challenges is the kitchen waste. We wouldn't issue a permit for gray water waste (limited to forest service). There are no known homeowners with composting toilets in our county.
- Dick said EPA recommends that Ecology not exempt these systems entirely (homeowners must follow 503 standards). You are creating a circle if you refer to EPA. But to exclude them from standards (state or federal) is a problem. Recommend that you include recordkeeping and include oversight at the state level. Still comfortable calling it septage.
- Tony said you don't dispose on site.
- Daniel K. asked the group if is there a problem with excluding from permitting and reporting? It sounds like "no".

OBSERVER/AUDIENCE COMMENTS

- Marietta asked about the Class A-Alternative 4 issue. If it's (Alt. 4) not taken out, and if you want to claim EQ and you are willing to pay the money, she recommends a stipulation that it must be distributed in bulk on agricultural land, but not distributed to the general public. Opposed to Alt. 4 as EQ product.
- Tony said set aside exceptional issue, the real question is, Can we determine Class A for pathogen vs. B? Can you demonstrate that? The question about EQ is a side issue. We can determine if it meets Table 3. I don't see a problem with requiring more rigorous testing or calling it a Class B and have different disposal options.

- Roberta said if there are problems with the analytical method we have problems across the board. In most cases it will be solar drying or "lagooning" and you have these people who have the sense they are getting close to the Class A. There are big problems with this elsewhere in the country. I'm worried about testing overall; we need to get EPA to help us through this.
- Michael said our intent was to have a farmer utilize it (significantly reduced pathogens). We weren't going to offer it to the general public. (Note: Is the entire Class A pathogen reduction regulation based on a castle of cards due to concerns about the validity of the data?)

End.